

REMARKS

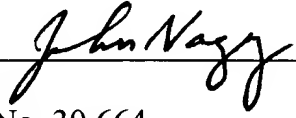
Claims 1, 3, 9, and 28-30 are pending in the application. Claims 1, 3, and 9 have been canceled without prejudice, and Applicant reserves the right to present these claims in a continuation application. Claims 28-30 are patentable over the art, and reconsideration is respectfully requested.

Method claims 28-30 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Saadat, U.S. Publication No. 2003/0093117, which was filed November 4, 2002 as U.S. Serial No. 10/288,619. The present application was filed March 3, 2001, and therefore antedates the Saadat reference, U.S. Serial No. 10/288,619, filed November 4, 2002. The Saadat reference is based on a series of continuation-in-part applications that have subject matter unrelated to the subject matter of Serial No. 10/288,619. Specifically, the parent applications relate either to wound closure devices or to apparatus and treatment of cardiac valves, and do not involve space occupying devices for use in a lumen such as the stomach. Accordingly, none of the applications in the chain of applications relating to U.S. Serial No. 10/288,619 can be used to support a priority date earlier than the actual filing date of November 4, 2002. It is respectfully requested that the rejection under § 102(e) of Saadat U.S. Publication No. 2003/0093117 be withdrawn since the present application was filed before the earliest filing date of the subject matter disclosed in the Saadat reference.

It is respectfully requested that method claim 28-30 be reconsidered and deemed allowable in view of the foregoing arguments. The undersigned can be reached at (310) 824-5555 to facilitate prosecution of the application.

Respectfully submitted,

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